

FIRST REGULAR SESSION

SENATE BILL NO. 603

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR COLEMAN.

2251S.01H

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 167.126, RSMo, and to enact in lieu thereof one new section relating to educational services costs.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 167.126, RSMo, is repealed and one new
2 section enacted in lieu thereof, to be known as section 167.126,
3 to read as follows:

167.126. 1. Children who are admitted to programs or
2 facilities of the department of mental health or whose
3 domicile is one school district in Missouri but who reside
4 in another school district in Missouri as a result of
5 placement arranged by or approved by the department of
6 mental health, the department of social services or
7 placement arranged by or ordered by a court of competent
8 jurisdiction shall have a right to be provided the
9 educational services as provided by law and shall not be
10 denied admission to any appropriate regular public school or
11 special school district program or program operated by the
12 state board of education, as the case may be, where the
13 child actually resides because of such admission or
14 placement; provided, however, that nothing in this section
15 shall prevent the department of mental health, the
16 department of social services or a court of competent
17 jurisdiction from otherwise providing or procuring
18 educational services for such child.

19 2. Each school district or special school district
20 constituting the domicile of any child for whom educational
21 services are provided or procured under this section shall
22 pay toward the per-pupil costs for educational services for
23 such child. A school district which is not a special school
24 district shall pay an amount equal to the average sum
25 produced per child by the local tax effort of the district
26 of domicile. A special school district shall pay an amount
27 not to exceed the average sum produced per child by the
28 local tax efforts of the domiciliary districts.

29 3. When educational services have been provided by the
30 school district or special school district in which a child
31 actually resides, including a child who temporarily resides
32 in a children's hospital licensed under chapter 197 **or a**
33 **psychiatric residential treatment facility**, for rendering
34 health care services to children under the age of eighteen
35 for more than three days, other than the district of
36 domicile, the amounts as provided in subsection 2 of this
37 section for which the domiciliary school district or special
38 school district is responsible shall be paid by such
39 district directly to the serving district. The school
40 district, or special school district, as the case may be,
41 shall send a written voucher for payment to the regular or
42 special district constituting the domicile of the child
43 served and the domiciliary school district or special school
44 district receiving such voucher shall pay the district
45 providing or procuring the services an amount not to exceed
46 the average sum produced per child by the local tax efforts
47 of the domiciliary districts. In the event the responsible
48 district fails to pay the appropriate amount to the district
49 within ninety days after a voucher is submitted, the state
50 department of elementary and secondary education shall

51 deduct the appropriate amount due from the next payments of
52 any state financial aid due that district and shall pay the
53 same to the appropriate district.

54 4. In cases where a child whose domicile is in one
55 district is placed in programs or facilities operated by the
56 department of mental health or resides in another district
57 pursuant to assignment by that department or is placed by
58 the department of social services or a court of competent
59 jurisdiction into any type of publicly contracted
60 residential site in Missouri, the department of elementary
61 and secondary education shall, as soon as funds are
62 appropriated, pay the serving district from funds
63 appropriated for that purpose the amount by which the per-
64 pupil costs of the educational services exceeds the amounts
65 received from the domiciliary district except that any other
66 state money received by the serving district by virtue of
67 rendering such service shall reduce the balance due.

68 5. Institutions providing a place of residence for
69 children whose parents or guardians do not reside in the
70 district in which the institution is located shall have
71 authority to enroll such children in a program in the
72 district or special district in which the institution is
73 located and such enrollment shall be subject to the
74 provisions of subsections 2 and 3 of this section. The
75 provisions of this subsection shall not apply to placement
76 authorized pursuant to subsection 1 of this section or if
77 the placement occurred for the sole purpose of enrollment in
78 the district or special district. "Institution" as used in
79 this subsection means a facility organized under the laws of
80 Missouri for the purpose of providing care and treatment of
81 juveniles.

82 6. Children residing in institutions providing a place
83 of residence for three or more such children whose domicile
84 is not in the state of Missouri may be admitted to schools
85 or programs provided on a contractual basis between the
86 school district, special district or state department or
87 agency and the proper department or agency, or persons in
88 the state where domicile is maintained. Such contracts
89 shall not be permitted to place any financial burden
90 whatsoever upon the state of Missouri, its political
91 subdivisions, school districts or taxpayers.

92 7. For purposes of this section the domicile of the
93 child shall be the school district where the child would
94 have been educated if the child had not been placed in a
95 different school district. No provision of this section
96 shall be construed to deny any child domiciled in Missouri
97 appropriate and necessary, gratuitous public services.

98 8. For the purpose of distributing state aid under
99 section 163.031, a child receiving educational services
100 provided by the district in which the child actually
101 resides, other than the district of domicile, shall be
102 included in average daily attendance, as defined under
103 section 163.011, of the district providing the educational
104 services for the child.

105 9. Each school district or special school district
106 where the child actually resides, other than the district of
107 domicile, may receive payment from the department of
108 elementary and secondary education, in lieu of receiving the
109 local tax effort from the domiciliary school district. Such
110 payments from the department shall be subject to
111 appropriation and shall only be made for children that have
112 been placed in a school other than the domiciliary school
113 district by a state agency or a court of competent

114 jurisdiction and from whom excess educational costs are
115 billed to the department of elementary and secondary
116 education.

